

## Garden City Lands

Nov 8, 2007

BY CAROL FAY

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### OUTLINE

I am here today to make three requests of The Richmond Planning Committee and the Richmond City Council.

#1 Contact the Canada Lands Company and the Federal Government for the purpose to offer to purchase the entire Garden city lands for 10 million dollars.

#2 Abandon the application to the Agricultural Land Commission (ALC) to remove the Garden City lands from the Agricultural Land reserve (ALR).

#3 Allow the Memorandum of Understanding (MOU) between the Canada Lands Company, the Musqueam and the City of Richmond to expire .

### REASONS

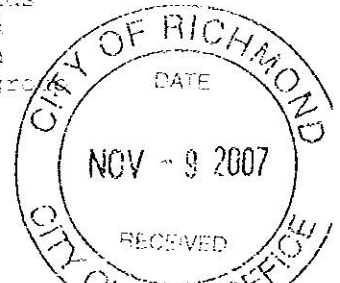
#1 Purchasing the entire 136 acres of the Garden City lands from the Canada Lands Company and or the Federal Government is the last chance to gain critically needed green space and or parkland. Currently we are short 600 acres of parkland , these 136 acres would make a fundamental improvement to the quality of life in the city centre. This new green space would guarantee a true legacy for Richmond for generations to come.

Other cities have their Stanley park, Ambleside Park, Central Park, Bear Creek Park etc.. Richmond deserves the same. By educating the Federal government about the critical need we could persuade them to consider selling the 136 acres for 10 million dollars, currently we have a MOU deal to purchase 55% of the surplus land for 4.8 million so it is fair to offer double to encourage them to consider this proposal and to make them understand this is a serious offer. Currently the land is in the ALR and much more affordable than it would be if it was zoned for anything else.

The MOU deal will not likely proceed due to the condition of removing it from the ALR and the fact that 75% of Richmond residents want green space protected. Now is the time to make another agreement with the Federal government before other interested parties decide to make their own bids.

The federal government also needs to realize that in time this land could be critical in order to be able to feed ourselves, with the high cost of fuel and the natural disasters down south due to global warming this land could make the difference between survival or not , one day. I feel that maintaining green space and the ability to produce food should come before land claims. Using ALR land to settle land claims is not acceptable.

#2 Abandon the application to the ALC to remove the Garden City lands from the ALR .The 136 acres can only be protected from high density development by removing the temptation. Only by keeping the Garden city lands in the ALR will it be affordable to buy from the Canada Lands Company and or the Federal government. Also by maintaining the ALR status we will be forced to find creative ways to look at green options for the 136 acres. According to the Innovative Research group



survey done in 2007 ,75% of Richmond residents surveyed wanted to protect green space.

The ALR **EXHIBIT " A "**allows for:

- Farming
- Open Park land
- Park space established under the Park Act
- Winery
- Agro-Forestry
- Aquaculture facility
- Education and research
- Passive recreation heritage
- Kennel or Breeding facility
- Bed and Breakfast
- Horse riding , Training and boarding
- Air strip or Helipad

In addition to these uses the history of the ALR has shown the ALR allows for the following uses with special application:

**EXHIBIT "B"**

- Golf courses
- Playing fields
- Etc.

The Richmond Poverty Response Committee has put forward a plan to build:

- Allotment Gardens
- Heritage Orchard
- Public trails
- Food Bank
- Farm Market
- Leased Farm plots

The ALC concluded " the land has agricultural capability and is suitable for agricultural use" .**EXHIBIT "C"** I feel maintaining the ALR zoning is the best option for Richmond and there are many positive options for the land that don't destroy the Garden city lands. With out the ALR zoning the Garden city lands will become another high density construction zone.

**#3** Allow the Memorandum of Understanding (MOU) to expire or cancel it. This is a poor deal for the city of Richmond as late as 2004 there was another proposal that gave the Musqueam only 10% of the land and now we are giving up far far more .

The Musqueam have 1168 members if they recieve this parcel of land and it is removed from the ALR it could be turned into a 400 million dollar development. The Musqueam could all end up being instant millionaires and the thousands of citizens in the downtown Richmond area would be deprived of critical open space.

The Musqueam have lands claims for the University golf course, Endowment lands, the Jerico reserve lands and more. The Garden city lands have no historic tie to the Musqueam it is simply a land grab. The Garden city lands do not border a reserve and I feel there is no court in the land that would rule against the needs of the many over the needs of the few.

The Garden city Lands probably have a more historic link to our pioneers as they often drained land similaire to the Garden city lands ,to create land for farming.Continued research could render information that would

be helpful in proving our case to the federal government.

The city of Richmond should not be afraid to fight for what we deserve and acquire the critically needed green space in the center of Richmond. This opportunity will never again be available in the city centre. Indian land claims are not guaranteed to be successful even when they go to court. If the facts come out in a court of law such as their plans to take needed green space away from the good citizens of Richmond to build high density homes for the purpose of becoming wealthy they will no doubt lose their case.

The City of Richmond should make the Federal government aware that the tax paying voters of Richmond do not support using surplus lands to settle land claims in addition to, the lands being negotiated in the treaty process.

### **CONCLUSION**

Public opinion has changed and people are better educated about the Garden City lands. The options available for this unique 136 acres parcel of land are unlimited and every day more creative ideas present themselves.

It is councils responsibility to work hard to achieve the best possible deal for Richmond, not the easiest.

Richmond is in critical need of additional parkland and green space and nowhere is that need greater than the city centre. The time has come to look beyond the MOU deal and explore ALL our options.

Richmond can afford to buy the lands with just a percentage of the 141 million dollars the city negotiated for the sale of the Oval lands. Be a great councilor and work to create Richmonds legacy the Garden City Lands Park.

Thank you Carol Day  
11631 Seahurst Rd.  
Richmond, B.C.  
V7A 4K1

EXHIBIT "A"

## **Carol Day**

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**From:** "Carol Day" <carol@catsigns.ca>  
**To:** "Carson, Jennifer ALC:EX" <Jennifer.Carson@gov.bc.ca>  
**Sent:** Wednesday, August 29, 2007 3:18 PM  
**Subject:** Re: Permitted uses in the ALR

Hi Jennifer

Under the section Permitted uses (g)

It states "Use of an open land park established by local government"

Am I wrong or is this Publically - useable green space ?

I was unable to find golf courses and playing fields, are they in a sub section ?

Thanks so much Carol Day

604 240 1986

----- Original Message -----

**From:** Carson, Jennifer ALC:EX  
**To:** carol@catsigns.ca  
**Sent:** Wednesday, August 29, 2007 3:03 PM  
**Subject:** Permitted uses in the ALR

Hi Carol,

As per your request here is a list of the permitted uses in the ALR. It is an excerpt from the Agricultural Land reserve Use, Subdivision and Procedure Regulation:

It can also be found at [http://www.alc.gov.bc.ca/legislation/Reg/ALR\\_Use-Subd-Proc\\_Reg.htm#sec2](http://www.alc.gov.bc.ca/legislation/Reg/ALR_Use-Subd-Proc_Reg.htm#sec2)  
Any use not found within the permitted uses would require an application to the local government then Commission.

Please feel free to contact me should you have any further questions,

Jennifer Carson  
*Land Use Planner*  
*Agricultural Land Commission*  
(604) 660-7026  
[Jennifer.Carson@gov.bc.ca](mailto:Jennifer.Carson@gov.bc.ca)

## **PART 2 — PERMITTED USES**


### **Activities designated as farm use**

2 (1) For the purposes of subsection (2) (b), "ancillary use" means any of the following activities carried on at a British Columbia licensed winery or cidery: (a) processing, storage and retail sales; (b)

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tours; (c) a food and beverage service lounge, if the area does not exceed 125 m<sup>2</sup> indoors and 125 m<sup>2</sup> outdoors, (2) The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the *Local Government Act* or, if the activity is undertaken on treaty settlement lands, by a law of the applicable treaty first nation government:

Amended [2004-Jul-22 Order in Council 822/2004]

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(a) farm retail sales if (i) all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or (ii) at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>; (b) a British Columbia licensed winery or cidery, and an ancillary use, if the wine or cider produced and offered for sale is made from farm product and (i) at least 50% of that farm product is grown on the farm on which the winery or cidery is located, or (ii) the farm that grows the farm products used to produce wine or cider is more than 2 ha in area, and, unless otherwise authorized by the commission, at least 50% of the total farm product for processing is provided under a minimum 3 year contract from a farm in British Columbia; (c) storage, packing, product preparation or processing of farm products, if at least 50% of the farm product being stored, packed, prepared or processed is produced on the farm or is feed required for farm production purposes on the farm; (d) land development works including clearing, levelling, draining, berming, irrigating and construction of reservoirs and ancillary works if the works are required for farm use of that farm; (e) agri-tourism activities, other than accommodation, on land that is classified as a farm under the *Assessment Act*, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm; (f) timber production, harvesting, silviculture and forest protection; (g) agroforestry, including botanical forest products production; (h) horse riding, training and boarding, including a facility for horse riding, training and boarding, if (i) the stables do not have more than 40 permanent stalls, and (ii) the facility does not include a racetrack licensed by the British Columbia Racing Commission; (i) the storage and application of fertilizers, mulches and soil conditioners; (j) the application of soil amendments collected, stored and handled in compliance with the *Agricultural Waste Control Regulation*, B.C. Reg. 131/92; (k) the production, storage and application of compost from agricultural wastes produced on the farm for farm purposes in compliance with the *Agricultural Waste Control Regulation*, B.C. Reg. 131/92; (l) the application of compost and biosolids produced and applied in compliance with the *Organic Matter Recycling Regulation*, B.C. Reg. 18/2002; (m) the production, storage and application of Class A compost in compliance with the *Organic Matter Recycling Regulation*, B.C. Reg. 18/2002, if all the compost produced is used on the farm; (n) soil sampling and testing of soil from the farm; (o) the construction, maintenance and operation of farm buildings including, but not limited to, any of the following: (i) a greenhouse; (ii) a farm building or structure for use in an intensive livestock operation or for mushroom production; (iii) an aquaculture facility. (3) Any activity designated as farm use includes the construction, maintenance and operation of a building, structure, driveway, ancillary service or utility necessary for that farm use. (4) Unless permitted under the *Water Act* or the *Environmental Management Act*, any use specified in subsection (2) includes soil removal or placement of fill necessary for that use as long as it does not (a) cause danger on or to adjacent land, structures or rights of way, or (b) foul, obstruct or impede the flow of any waterway.

Amended [2004-Jul-8 *Environmental Management Act*, S.B.C. 2003 c. 53 (B.C. Reg. 317/2004)]

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(5) The removal of soil or placement of fill as part of a use designated in subsection (2) must be considered to be a designated farm use and does not require notification except under section 4.

### Permitted uses for land in an agricultural land reserve

**3 (1)** The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable first nation government: (a) accommodation for agri-tourism on a farm if (i) all or part of the parcel on which the accommodation is located is classified as a farm under the *Assessment Act*, (ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and (iii) the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel; (b) for each parcel, (i) one secondary suite within a single family dwelling, and (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family; (c) a home occupation use, that is accessory to a dwelling, of not more than 100 m<sup>2</sup> or such other area as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located; (d) bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located; (e) operation of a temporary sawmill if at least 50% of the volume of timber is harvested from the farm or parcel on which the sawmill is located; (f) biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated buildings and structures does not exceed 100 m<sup>2</sup> for each parcel; (g) use of an open land park established by a local government or treaty first nation government for any of the purposes specified in paragraph (f);


Amended [2004-Jul-22 Order in Council 822/2004]

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(h) breeding pets or operating a kennel or boarding facility; (i) education and research except schools under the *School Act*, respecting any use permitted under the Act and this regulation as long as the area occupied by any buildings or structures necessary for the education or research does not exceed 100 m<sup>2</sup> for each parcel; (j) production and development of biological products used in integrated pest management programs as long as the area occupied by any buildings or structures necessary for the production or development does not exceed 300 m<sup>2</sup> for each parcel; (k) aggregate extraction if the total volume of materials removed from the parcel is less than 500 m<sup>3</sup>, as long as the cultivatable surface layer of soil is salvaged, stored on the parcel and available to reclaim the disturbed area; (l) force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way; (m) telecommunications equipment, buildings and installations as long as the area occupied by the equipment, buildings and installations does not exceed 100 m<sup>2</sup> for each parcel; (n) construction and maintenance, for the purpose of drainage or irrigation or to combat the threat of flooding, of (i) dikes and related pumphouses, and (ii) ancillary works including access roads and facilities; (o) unpaved airstrip or helipad for use of aircraft flying non-scheduled flights; (p) the production, storage and application of Class A compost in compliance with the *Organic Matter Recycling Regulation*, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on the farm. (2) Nothing in subsection (1) (a) is to be interpreted as permitting the conversion of a building into strata lots by an owner. (3) If a use is permitted under subsection (1) (k) it is a condition of the use that once the extraction of aggregate is complete, the disturbed area must be rehabilitated in accordance with good agricultural practice. (4) The following land uses are permitted in an agricultural land reserve: (a) any (i) ecological reserve established under the *Ecological Reserve Act* or by the *Protected Areas of British Columbia Act*, (ii) park established under the *Park Act* or by the *Protected Areas of British Columbia Act*, (iii) protected area established under the *Environment and Land Use Act*, (iv) wildlife management area established under the *Wildlife Act*, or (v) recreation reserve established under the *Land Act*; (b) dedication or upgrading of an existing road with vehicular access and use declared to be a public highway under section 42 of the *Transportation Act*;



Amended [2004-Dec-31 *Transportation Act*, SBC2004, c. 44, s. 114 (B.C. Reg. 547/2004).]

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(c) road construction or upgrading within a dedicated right of way that has a constructed road bed for vehicular access and use; (d) if the widening or works does not result in an overall right of way width of more than 24 m, widening of an existing constructed road right of way for (i) safety or maintenance purposes, or (ii) drainage or flood control works; (d.1) widening an existing constructed road right of way to ease one curve;

Added [2004-Jul-22 Order in Council 822/2004]

(e) establishing as a forest service road (i) an existing road under the *Forest Act*, or (ii) a new road in a managed forest; (f) increasing the right of way width of a forest service road by up to 4 m if the widening does not result in an overall right of way width of more than 24 m; (g) railway construction, upgrading and operations on an existing railbed within a dedicated right of way, including widening of an existing railway right of way if the widening does not result in an overall right of way width of more than 30 m; (h) surveying, exploring or prospecting for gravel or minerals if all cuts, trenches and similar alterations are restored to the natural ground level upon completion of the surveying, exploring or prospecting; (i) surface water collection for farm use or domestic use, water well drillings, connection of water lines, access to water well sites and required rights of way or easements; (j) soil research or testing as long as the soil removed or fill placed is only in an amount necessary for the research or testing. (5) Any permitted use specified in subsection (1) or (4) includes the construction, maintenance and operation of buildings, structures, driveways, ancillary services and utilities necessary for that use. (6) Unless permitted under the *Water Act* or the *Environmental Management Act*, any use specified in subsection (1) or (4) includes soil removal or placement of fill necessary for that use as long as the soil removal or placement of fill does not (a) cause danger on or to adjacent land, structures or rights of way, or (b) foul, obstruct or impede the flow of any waterway.



EXIBIT " B"

## **Carol Day**

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**From:** "Carson, Jennifer ALC:EX" <Jennifer.Carson@gov.bc.ca>  
**To:** "Carol Day" <carol@catsigns.ca>  
**Sent:** Wednesday, August 29, 2007 4:35 PM

Hello again Carol,

For some reason it would not allow me to respond to your email,

As you can see in the permitted uses information I sent to you, open parks are a permitted use, however Golf Courses and playing fields are not outright permitted uses which means that a person is required to make an application if they would like to have a playing field or golf course in the ALR.

If you have any further questions please feel free to contact me,

Jennifer

*Land Use Planner*

*Agricultural Land Commission*

*(604) 660-7026*

*Jennifer.Carson@gov.bc.ca*

8/29/2007

EXIBIT " C"



Agricultural Land Commission  
2100 St. Johns Street, Suite 200  
Vancouver, British Columbia V6T 1A5  
Tel: 604-673-7000  
Fax: 604-673-7001  
www.alc.bc.ca

June 25, 2007

Reply to the attention of Jennifer Carson  
ALC File: #O-36435

Carol Day  
[carol@outspn.ca](mailto:carol@outspn.ca)

Dear Ms. Day:

**Re: Garden City Lands – Richmond, BC**

This is further to your June 19, 2007 e-mail to the Honourable Pat Bell, Minister of Agriculture and Lands regarding the above. Since the land is in the Agricultural Land Reserve (ALR) Minister Bell felt the response should come from this office.

In 2006 Canada Lands Company CLC Limited proposed to exclude the 55 ha Garden City lands from the Agricultural Land Reserve (ALR) to facilitate commercial, residential and park development. In rendering its decision on September 1, 2006 the Commission concluded that the land has agricultural capability and is suitable for agricultural use. The Commission also noted the lack of a convincing community need argument to justify the exclusion of prime agricultural land from the ALR.

Based on these findings the Commission believed the proposal was inconsistent with the objective of the *Agricultural Land Commission Act* and refused the application. The 2006 is completed. Your comments will be kept on file for future consideration in the event a new application is submitted involving the Garden City lands

On behalf of Minister Bell and the Commission I thank you for taking the time to forward your comments.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erin Nugent, Chair

To the City of Richmond  
Clerks office  
Sheila Johnston

Nov 8, 2007

Thanks for your help the other day . You requested a copy of my brief with supporting documents.  
I would like to add this item to the agenda for the City Planning committee meeting on Nov 20th,  
2007 at 4:00 pm.

If you need any additional information please contact me on my cel 604 240 1986

Thanks Carol Day  
11631 Seahurst Rd.  
Richmond, B.C.  
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